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Notice of Allowability

Application No.

10/699,116

Applicant(s)

DONNELLY ET AL.

Examiner

Christian P. Chace

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 6/23/05.
2. ☒ The allowed claim(s) is/are 1-32.
3. ☒ The drawings filed on 31 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>6/23/05</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 June 2005 has been entered.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 23 June 2005 was filed with the RCE noted supra. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Allowable Subject Matter

Claims 1-32 are allowed.

The following is an examiner's statement of reasons for allowance: Previous Office actions have noted the reasons for allowance. However, as they are spread over at least two Office actions, examiner will repeat them herein for easy clarity of the record, and elaborate slightly to avoid any confusion.

With respect to independent claims 1, 11, and 25, the claims recite a "re-timer." The question of when a claim term may be limited by a definition in the specification followed, with respect to a "re-timer." A claim term may be limited by a definition in the

specification when the specification clearly sets forth the definition explicitly and with reasonable clarity, deliberateness, and precision. (See *Teleflex Inc. v. Ficosa North America Corp.*, 63 USPQ2d 1374, 1381 (Fed. Cir. 2002), *Rexnord Corp. v. Laitram Corp.*, 60 USPQ2d 1851, 1854 (Fed. Cir. 2001), and MPEP 2111.01.

Paragraph 56 on page 13 of the instant specification discusses the retiming circuit (re-timer) 530, and defines it as a circuit that, “delays the data transfer between the primary receiver 515 and the secondary transmitter 535 when T.sub.TR becomes so small that half clock cycle boundary may be crossed. More specifically, re-timing circuit 530 determines the phase difference between the recovered versions of CTM 240 and CFM 250 and selects between a delayed and a non-delayed path for transferring data from a primary receiver 515 to a secondary transmitter 535, ensuring that the overall t.sub.LAT(PS) is a fixed number of clock cycles.”

Accordingly, a re-timer (as clearly set forth explicitly and with reasonable clarity, deliberateness, and precision in the instant specification in paragraph 56 at page 13) configured to re-time data received from the first channel using the first clock signal and to retransmit the data to the second channel using the fourth (or second) clock signal, is not taught by the cited prior art of record.

It is also important to note that claim 1 recites four clock signals, while claims 11 and 25 recite only a first and second. Even if a “re-timer” were improperly interpreted without sight of the specification, claim 1 would be allowed based on the claimed retransmission of the data on the second channel using the fourth clock signal, while claims 11 and 25 would not be allowed, because retransmitting from one clock on a first

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channel to a second clock on a second channel is known to those of ordinary skill in the art, as discussed at page 3 of the previous Office action, for example.

Claims 2-10; 12, 17-21, and 24, now renumbered 12-18, respectively; and 26 depend upon the instant claims, and are allowable for at least the reasons set forth supra with respect to same.

With respect to independent claims 13 and 27, now renumbered 19 and 27, respectively, data transmissions from the first device to the first channel being clocked by a first clock signal and wherein latency aligning circuitry aligns the *round-trip latency* between the first device and the second channel to an integer number of cycles of *the first clock signal* is not taught or suggested by the cited prior art of record. (emphasis added).

Claims 22-23, now renumbered 20-21, respectively; and claims 28-32 depend upon the instant claims, and are allowable for at least the reasons set forth supra with respect to same.

With respect to independent claim 14, now renumbered 22, the system having a round-trip latency from the first device to the second device *that is independent of a flight time from the first device to the transceiver* is not taught or suggested by the cited prior art of record. (emphasis added).

Claims 15-16, now renumbered 23-24, respectively, depend upon the instant claim and are allowable for at least the reasons set forth supra with respect to same.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian P. Chace whose telephone number is 571.272.4190. The examiner can normally be reached on MAXI FLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 571.272.4201. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christian P. Chace
Primary Examiner
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